

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

AMBER ADKINS and
EVA JENE BLACKBURN,
Administratrix
of the Estate of
James Adkins, Deceased,¹

Plaintiffs,

v.

Civil Action No. 2:23-cv-00745

ZACHERY RATLIFF,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending is defendant's Motion for Partial Summary Judgment, filed with a supporting memorandum on September 30, 2024, ECF 45 and 46, to which plaintiff filed a response stipulating to defendant's motion on October 4, 2024, ECF 48.

This action arises out of an automobile accident wherein plaintiffs allege that on or about April 15, 2023, Amber Adkins drove her car while her husband James Adkins rode as a passenger therein when defendant, who drove his car, "negligently and illegally attempted to pass [plaintiffs and]

¹ Eva Jene Blackburn, Administratrix of the Estate of James Adkins, was substituted by order on September 23, 2024, in place of James Adkins, individually, following James Adkins's death. ECF 44.

struck [the] vehicle being operated and occupied by the [p]laintiffs." Compl. at ¶3. Through their complaint, plaintiffs seek, inter alia, future damages as to both plaintiffs. Compl. at ¶5-6. As noted, plaintiff James Adkins died, and Eva Jene Blackburn, Administratrix of the Estate of James Adkins, was substituted in his stead by order on September 23, 2024. See Mem. Op. and Order, ECF 44.

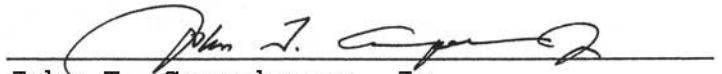
Defendant moves for summary judgment on plaintiffs' claims for future damages on the basis that (1) plaintiff James Adkins died and cannot have any future damages, and (2) neither of the expert witnesses identified by plaintiff Amber Adkins has expressed opinions supporting Amber Adkins' claim for future damages. See Def. Mem. Supp.

Plaintiffs responded to the motion by stating, "[t]he [p]laintiffs stipulate to the [d]efendant's Motion for Partial Summary Judgment in regards to claims for future damages." Pls. Resp. at 1.

Inasmuch as plaintiffs stipulate to defendant's motion for summary judgment that neither plaintiff Amber Adkins nor the plaintiff Estate of James Adkins, deceased, is entitled to a claim for future damages, the court GRANTS defendant's motion for summary judgment on those aspects of plaintiffs' claims.

The Clerk is directed to transmit copies of this order to all counsel of record and any unrepresented parties.

ENTER: October 10, 2024


John T. Copenhaver, Jr.
Senior United States District Judge